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USA v. Ashbaugh
3:25-mj-00025

MAG

U.S. District Court
Northern District of West Virginia (Martinsburg)
CRIMINAL DOCKET FOR CASE #: 3:05-cr-00060-GMG-RWT-1

Case title: USA v. Ashbaugh et al

Date Filed: 09/20/2005

Related Case: [3:14-cv-00031-JPB-RWT](#)

Date Terminated: 03/23/2006

Assigned to: District Judge Gina M Groh
Referred to: Magistrate Judge Robert W.
Trumble

Appeals court case numbers: 17-6577, 18-
6105 4th Circuit

Defendant (1)

Richard Ashbaugh

TERMINATED: 03/23/2006

represented by **Aaron D. Moss**

Federal Public Defender Office - Mtg
651 Foxcroft Ave
Suite 202
Martinsburg, WV 25401
(304) 260-9421
Fax: (304) 260-3716
Email: aaron_moss@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Brian C. Crockett

Federal Public Defender Office - Mtg
651 Foxcroft Ave
Suite 202
Martinsburg, WV 25401
304-260-9421
Fax: 304-260-3716
Email: brian_crockett@fd.org
TERMINATED: 10/19/2006
Designation: Public Defender or
Community Defender Appointment

Carmela M. Cesare

Arnold Cesare & Bailey PLLC
PO Box 69
Shepherdstown, WV 25443
304-876-1575
Fax: 304-876-9186

Email: ccesare@acbattorneys.com

TERMINATED: 03/23/2006

Designation: CJA Appointment

S. Andrew Arnold

Arnold & Bailey, PLLC

208 N. George Street

Charles Town, WV 25414

304-725-2002

Fax: 304-725-0282

Email: saarnold@arnoldandbailey.com

TERMINATED: 03/23/2006

Designation: CJA Appointment

Thomas J. Gillooly

PO Box 3024

Charleston, WV 25331

304-546-7228

Email: tgillooly@gmail.com

TERMINATED: 05/23/2018

Designation: Retained

Valena Elizabeth Beety

West Virginia University College of Law

101 Law School Drive

Morgantown, WV 26505

(304) 293-5301

Fax: (304) 293-6891

Email: valena.beety@mail.wvu.edu

TERMINATED: 06/14/2022

Designation: Retained

Pending Counts

NARCOTICS - SELL, DISTRIBUTE, OR
DISPENSE (Distribution of Heroin
resulting in Death)

(1)

RACKETEERING - NARCOTICS

(2)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Disposition

Dft. to be incarcerated for a term of 240
months; supervised release for 4 years;
special assessment of \$100.00 paid; fine of
\$1100.00 imposed. REVOCATION
1/21/2025: Time served; supervised release
30 months.

Dismissed upon motion by AUSA.

Disposition

Complaints

Disposition

None

Plaintiff

USA

represented by **Daniel Lee Salem**
DOJ-USAO
Criminal
217 W. King Street
Suite 400
Martinsburg, WV 25401
304-281-5452
Email: Daniel.Salem@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Eleanor F. Hurney
U.S. Attorney's Office - Mrt.
U.S. Courthouse
217 W. King Street, Suite 400
Martinsburg, WV 25401
(304) 262-4802
Fax: (304) 262-0591
Email: eleanor.hurney@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Kimberley D. Crockett (USA ACCOUNT)
U.S. Attorney's Office - Mrt.
217 W. King Street, Suite 400
Martinsburg, WV 25401
(304) 262-4807
Fax: (304) 262-0591
Email: Kimberley.D.Crockett@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Lara K. Omps-Botteicher
U.S. Attorney's Office - Mrt.
U.S. Courthouse
217 W. King Street, Suite 400
Martinsburg, WV 25401
(304) 262-0590
Fax: (304) 262-0591
Email: lara.ombs-botteicher@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Paul T. Camilletti

U.S. Attorney's Office - Mrt.

217 W. King Street, Suite 400

Martinsburg, WV 25401

304-262-0590

Fax: 304-262-0591

Email: paul.camilletti@usdoj.gov

TERMINATED: 05/02/2023

Designation: United States Attorney

Date Filed	#	Docket Text
09/20/2005	1	SEALED INDICTMENT as to Richard Ashbaugh (1) counts 1, 2, Claire Dunleavy (2) counts 1, 2. (sds) (Entered: 09/21/2005)
09/20/2005	2	SEALED MOTION by USA as to Richard Ashbaugh, Claire Dunleavy. (sds) (Entered: 09/21/2005)
09/20/2005	3	SEALED ORDER as to Richard Ashbaugh, Claire Dunleavy, Motions terminated as to Richard Ashbaugh, Claire Dunleavy: 2 SEALED MOTION filed by USA. Signed by Judge David J. Joel on 9/20/05. (sds) (Entered: 09/21/2005)
09/20/2005	4	Arrest Warrant Issued by David J. Joel in case as to Richard Ashbaugh, Claire Dunleavy. (sds) (Entered: 09/21/2005)
10/14/2005		Case unsealed as to Richard Ashbaugh, Claire Dunleavy (jko) (Entered: 10/14/2005)
10/17/2005	9	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Richard Ashbaugh. (sds) (Entered: 10/17/2005)
10/17/2005	11	ORDER granting 9 Motion for Writ of Habeas Corpus ad prosequendum as to Richard Ashbaugh (1). Signed by Judge David J. Joel on 10/17/05. (sds) (Entered: 10/17/2005)
10/19/2005	13	MOTION for Detention by USA as to Richard Ashbaugh. (Attachments: # 1 Text of Proposed Order)(Camilletti, Paul) (Entered: 10/19/2005)
10/19/2005	15	Minute Entry for proceedings held before Judge David J. Joel: Initial Appearance as to Richard Ashbaugh held on 10/19/2005 Arraignment set for 10/26/2005 09:30 AM before Magistrate Judge David J. Joel. Detention Hearing set for 10/26/2005 09:30 AM in Martinsburg Magistrate Courtroom, 1st Floor before Magistrate Judge David J. Joel. Government motion for detention; order signed by Judge.(Tape #Recorded Mag. Courtroom.) (jko) (Entered: 10/19/2005)
10/19/2005	16	ORDER temporarily granting 13 Motion for Detention as to Richard Ashbaugh (1) Signed by Judge David J. Joel on 10/19/05. (jko) (Entered: 10/19/2005)
10/19/2005	17	CJA 23 Financial Affidavit by Richard Ashbaugh (jko) (Entered: 10/19/2005)
10/19/2005	18	CJA 20 as to Richard Ashbaugh: Appointment of Attorney Brian C. Crockett for Richard Ashbaugh for Initial Appearance Only. Signed by Judge David J. Joel on 10/19/05. (jko) (Entered: 10/19/2005)
10/20/2005	20	Arrest Warrant Returned Executed on 10/19/05 in case as to Richard Ashbaugh. (kd) (Entered: 10/20/2005)
10/20/2005	21	CJA 20 as to Richard Ashbaugh: Appointment of Attorney Carmela M. Cesare for Richard Ashbaugh. Signed by Judge David J. Joel on 10/20/05. (jko) (Entered: 10/20/2005)

10/24/2005	23	ORDER REFERRING motions to suppress, to dismiss and to sever to Magistrate Judge David J. Joel as to Richard Ashbaugh . Signed by Judge W. Craig Broadwater on 10/24/05. (sds) (Entered: 10/24/2005)
10/26/2005	24	Minute Entry for proceedings held before Judge David J. Joel: Arraignment as to Richard Ashbaugh (1) Count 1,2 held on 10/26/2005, Detention Hearing as to Richard Ashbaugh held on 10/26/2005 (Defendant waived Detention Hearing in open Court) (Tape #Recorded Mag. Courtroom.) (jko) (Entered: 10/26/2005)
10/26/2005	25	SCHEDULING ORDER as to Richard Ashbaugh Discovery due by 11/2/2005. Plea Agreement due by 12/12/2005. Jury Selection set for 12/19/2005 08:30 AM in Martinsburg District Courtroom, 2nd Floor before Chief Judge Irene M. Keeley. Jury Trial set for 12/19/2005 08:30 AM in Martinsburg District Courtroom, 2nd Floor before Chief Judge Irene M. Keeley. Pretrial Conference set for 12/13/2005 10:00 AM in Martinsburg District Courtroom, 2nd Floor before Judge Unassigned. Signed by Judge David J. Joel on 10/26/05. (jko) (Entered: 10/26/2005)
10/27/2005	26	ORDER granting 13 Motion for Detention as to Richard Ashbaugh (1). Signed by Judge David J. Joel on 10/26/05. Defendant Ordered Detained. (jko) Additional attachment(s) added on 10/27/2005 (jko,). (Entered: 10/27/2005)
10/27/2005	27	NOTICE OF DOCKET CORRECTION re ERROR:Wrong Order Scanned. CORRECTION:Replacing with correct Order. (jko) (Entered: 10/27/2005)
10/27/2005		Set/Reset Hearings as to Richard Ashbaugh: Motions Hearing time was inadvertently omitted from the Initial Scheduling Order (Document # 25) Motions Hearing set for 11/22/2005 09:30 AM in Martinsburg Magistrate Courtroom, 1st Floor before Magistrate Judge David J. Joel. (jko) (Entered: 10/27/2005)
11/07/2005	29	NOTICE of Discovery Disclosure by USA as to Richard Ashbaugh, Claire Dunleavy (Camilletti, Paul) (Entered: 11/07/2005)
11/07/2005	30	MOTION for Discovery by USA as to Richard Ashbaugh, Claire Dunleavy. (Camilletti, Paul) (Entered: 11/07/2005)
11/17/2005	32	NOTICE of Supplemental Discovery Disclosure by USA as to Richard Ashbaugh, Claire Dunleavy (Camilletti, Paul) (Entered: 11/17/2005)
11/17/2005	33	RESPONSE (Arnold, S.) (Entered: 11/17/2005)
11/18/2005	37	MOTION for Discovery by Richard Ashbaugh. (Cesare, Carmela) Additional attachment(s) added on 11/29/2005 (sds,). (Entered: 11/18/2005)
11/18/2005	38	MOTION in Limine by Richard Ashbaugh. (Cesare, Carmela) (Entered: 11/18/2005)
11/18/2005	39	MOTION in Limine by Richard Ashbaugh. (Cesare, Carmela) (Entered: 11/18/2005)
11/18/2005	40	MOTION to Suppress by Richard Ashbaugh. (Cesare, Carmela) (Entered: 11/18/2005)
11/18/2005	41	MOTION for Discovery by Richard Ashbaugh. (Cesare, Carmela) Additional attachment(s) added on 11/29/2005 (sds,). (Entered: 11/18/2005)
11/21/2005	42	MOTION for Discovery by Richard Ashbaugh. (Arnold, S.) (Entered: 11/21/2005)
11/21/2005	43	MOTION for Discovery by Richard Ashbaugh. (Arnold, S.) (Entered: 11/21/2005)
11/22/2005	44	Minute Entry for proceedings held before Judge David J. Joel: Status Conference as to Richard Ashbaugh held on 11/22/2005 RE: Motions filed; Motions Hearing rescheduled to December 5, 2005 at 1:30 p.m. (Tape #Recorded Mag. Courtroom.) (jko) (Entered: 11/22/2005)

11/22/2005	45	ORDER of Status Hearing as to Richard Ashbaugh; Motions will be heard on 12/05/05 at 1:30 p.m.. Signed by Judge David J. Joel on 11/22/05. (jko) (Entered: 11/22/2005)
11/28/2005	46	MOTION for Writ of Habeas Corpus ad testificandum for Claire Dunleavy to appear on 12/19/05 at 8:30amby USA as to Richard Ashbaugh. (sds) (Entered: 11/28/2005)
11/28/2005	47	ORDER granting 46 Motion for Writ of Habeas Corpus ad testificandum as to Richard Ashbaugh (1). Signed by Judge David J. Joel on 11/28/05. (sds) (Entered: 11/28/2005)
11/29/2005	48	NOTICE OF DOCKET CORRECTION re 37 MOTION for Discovery, 41 MOTION for Discovery. ERROR: Filed same pleading three times; CORRECTION:correct pleading document 42. (sds) (Entered: 11/29/2005)
11/30/2005	49	SEALED ORDER as to Richard Ashbaugh . Signed by Judge W. Craig Broadwater on 11/30/05. (sds) (Entered: 11/30/2005)
12/13/2005	51	Writ of Habeas Corpus ad Testificandum for Claire Dunleavy Returned Unexecuted by USM in case as to Richard Ashbaugh. (jcs) (Entered: 12/13/2005)
12/14/2005		Plea Agreement Hearing with respect to Richard Ashbaugh set for 1/4/2006 10:00 AM in Martinsburg District Courtroom, 2nd Floor before Magistrate Judge David J. Joel. (wcblc2) (Entered: 12/14/2005)
01/04/2006	57	Minute Entry for proceedings held before Judge David J. Joel :Plea Hearing as to Richard Ashbaugh held on 1/4/2006: count 1. (Court Reporter Hamrick) (njz) (Entered: 01/04/2006)
01/04/2006	58	PLEA AGREEMENT as to Richard Ashbaugh. (njz) (Entered: 01/04/2006)
01/04/2006	59	Clerk's WITNESS LIST as to Richard Ashbaugh re: change of plea hearing held 1/4/06. (njz) (Entered: 01/04/2006)
01/04/2006	60	WAIVER of Article III Judge and consent to enter guilty plea before the US Mag. Judge as to Richard Ashbaugh. (njz) (Entered: 01/04/2006)
01/04/2006	61	SEALED ORDER as to Richard Ashbaugh granting re 36 **SEALED** EX PARTE MOTION filed by Richard Ashbaugh, 52 **SEALED** EX PARTE MOTION filed by Richard Ashbaugh, 35 **SEALED** EX PARTE MOTION filed by Richard Ashbaugh, 34 **SEALED** EX PARTE MOTION filed by Richard Ashbaugh . Signed by Judge W. Craig Broadwater on 1/4/06. (njz) (Entered: 01/04/2006)
01/11/2006	62	ORDER FILING PLEA AGREEMENT as to Richard Ashbaugh. Sentencing set for 3/20/2006 10:30 AM before District Judge W. Craig Broadwater. Signed by Judge David J. Joel on 1/11/06. (sds) (Entered: 01/11/2006)
02/14/2006	64	Special Assessment Fee Paid in the amount of \$100.00 by Richard Ashbaugh RECEIPT #: 45300. (sds) (Entered: 02/14/2006)
03/13/2006	68	SENTENCING MEMORANDUM by Richard Ashbaugh. (sds) (Entered: 03/14/2006)
03/20/2006	72	Minute Entry for proceedings held before Judge W. Craig Broadwater :Sentencing held on 3/20/2006 for Richard Ashbaugh (1). Count 1-Dft. to be incarcerated for a term of 240 months; supervised release for 4 years; special assessment of \$100.00 paid; fine of \$1100.00 imposed; Count 2 is dismissed upon motion by AUSA. (Court Reporter Hamrick) (njz) (Entered: 03/20/2006)
03/20/2006	73	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Richard Ashbaugh. Sealed and placed in vault in Martinsburg. (njz) (cmd). (Entered: 03/20/2006)

03/22/2006	76	Writ of Habeas Corpus ad Prosequendum Returned Executed as to Richard Ashbaugh on 3/21/06 by USM. (jcs) (Entered: 03/22/2006)
03/23/2006	77	ORDER of Sentencing Hearing as to Richard Ashbaugh . Signed by Judge W. Craig Broadwater on 3/23/06. (sds) (Entered: 03/23/2006)
03/23/2006	78	JUDGMENT as to Richard Ashbaugh (1), Count 1, Dft. to be incarcerated for a term of 240 months; supervised release for 4 years; special assessment of \$100.00 paid; fine of \$1100.00 imposed; Count 2, Dismissed upon motion by AUSA. Signed by Judge W. Craig Broadwater on 3/23/06. (sds) (Entered: 03/23/2006)
07/12/2006	86	Judgment Returned Executed as to Richard Ashbaugh on 4/17/06. (kd) (Entered: 07/12/2006)
09/29/2006	87	MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 3:06-cv-102) by Richard Ashbaugh. (c. to 2410, AUSA) (sds) (Entered: 09/29/2006)
09/29/2006	89	NOTICE of General Guidelines for appearing Pro Se to Petitioner Richard Ashbaugh re 87 MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 3:06-cv-102.) (sds) (Entered: 09/29/2006)
10/31/2006	92	RESPONSE to Motion by USA as to Richard Ashbaugh re 87 MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 3:06-cv-102). (Attachments: #(1) Exhibit A, #(2) Exhibit B, #(3) Exhibit C, #(4) Exhibit D, #(5) Exhibit E, #(6) Exhibit F, #(7) Exhibit G (RESTRICTED TO COURT USERS ONLY), #(8) Exhibit H)(Camilletti, Paul) Modified on 10/31/2006 (njz). (Entered: 10/31/2006)
10/31/2006	93	NOTICE OF DOCKET CORRECTION re 92 Response to Motion. CORRECTION: Exhibit G is RESTRICTED TO COURT USERS ONLY. (njz) (Entered: 10/31/2006)
11/07/2006	94	ORDER REFERRING CASE to Magistrate Judge James E. Seibert as to Richard Ashbaugh Petition under 28 U.S.C. 2255. Signed by Judge W. Craig Broadwater on 11/07/06. (sds) (Entered: 11/07/2006)
11/17/2006	97	REPLY TO RESPONSE to Motion by Richard Ashbaugh re 87 MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 3:06-cv-102). (Attachments: # 1 Exhibit, # 2 Envelope) (njz) (Entered: 11/22/2006)
11/20/2006	95	TRANSCRIPT of Proceedings (plea hearing) as to Richard Ashbaugh held on 1/4/06 before Judge Joel. Court Reporter: Hamrick. (njz) (Entered: 11/20/2006)
11/20/2006	96	TRANSCRIPT of Proceedings (sentencing) as to Richard Ashbaugh held on 3/20/06 before Judge Broadwater. Court Reporter: Hamrick. (njz) (Entered: 11/20/2006)
12/18/2006	98	Memorandum in Support by Richard Ashbaugh re 87 MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 3:06-cv-102) (sds) (Entered: 12/18/2006)
07/05/2007	100	REPORT AND RECOMMENDATIONS as to Richard Ashbaugh re 87 MOTION to Vacate under 28 U.S.C. 2255 (Civil Action 3:06-cv-102). Objections to R&R due by 7/19/2007. Signed by Judge James E. Seibert on 7/5/07. (copy Petitioner) (cnd) (Entered: 07/05/2007)
10/25/2007	101	ORDER ADOPTING REPORT AND RECOMMENDATION THAT CASE BE DISMISSED AND STRICKEN FROM DOCKET: denying 87 Motion to Vacate (2255) as to Richard Ashbaugh (1); adopting Report and Recommendations re 100 as to Richard Ashbaugh (1). Signed by Judge John P. Bailey on 10/25/07. As per law clerk, sent copy by certified mail to pro se petitioner. (tlg) (Entered: 10/25/2007)

10/25/2007		Judge update in case as to Richard Ashbaugh. Judge John P. Bailey added. Judge W. Craig Broadwater no longer assigned to case. (tlg) (Entered: 10/25/2007)
11/15/2011	107	LETTER from Richard Ashbaugh to Clerk of Courts requesting docket sheet. (Attachments: # 1 Letter from deputy clerk to Warden) Mailed docket sheet to warden. (njz) (Entered: 11/15/2011)
11/15/2011	108	Envelope Received re: 107 Letter. (njz) (Entered: 11/15/2011)
02/12/2014	110	MOTION to Appoint Counsel by Richard Ashbaugh. (njz) (Entered: 02/12/2014)
02/12/2014	111	Envelope Received re: 110 MOTION to Appoint Counsel (njz) (Entered: 02/12/2014)
03/12/2014	112	MOTION to Vacate under 28 U.S.C. 2255 by Richard Ashbaugh. Case assigned to MJMBurg and law clerk Blalock. (tlg) Civil case 3:14-cv-00031-JPB opened. (Entered: 03/12/2014)
03/12/2014	113	EMERGENCY MOTION TO CORRECT SENTENCE UNDER 28 U.S.C. §2255, by Richard Ashbaugh. (tlg) (Entered: 03/12/2014)
03/12/2014	114	MOTION to Appoint Counsel by Richard Ashbaugh. (tlg) (Entered: 03/12/2014)
03/12/2014	115	Envelope Received re 112 MOTION to Vacate under 28 U.S.C. 2255, 114 MOTION to Appoint Counsel, 113 MOTION. (tlg) (Entered: 03/12/2014)
03/13/2014	116	Paperless NOTICE as to Richard Ashbaugh: civil case 3:14cv31 opened for stats purposes only. All docketing to be done in 3:5cv60. (njz) (Entered: 03/13/2014)
03/13/2014	117	NOTICE of General Guidelines for Appearing Pro Se In Federal Court as to Richard Ashbaugh. copy mailed to pro se dft. via cert. return rec't mail. (njz) (Additional attachment(s) added on 3/13/2014: # 1 Certified Mail Return Receipt) (njz). (Entered: 03/13/2014)
03/18/2014	118	RETURN RECEIPT as to 117 Notice (Other). SERVICE ACCEPTED on 3/17/2014. (tlg) (Entered: 03/18/2014)
04/10/2014	119	MOTION to Dismiss <i>Petition</i> by USA as to Richard Ashbaugh. (Camilletti, Paul) (Entered: 04/10/2014)
04/11/2014	120	ROSEBORO NOTICE as to Richard Ashbaugh. Within twenty-one (21) days of the date of this Order, the petitioner shall file any opposition he has to the respondents motion. Signed by Magistrate Judge James E. Seibert on 4/11/14. (njz) copy mailed to pro se pet via cert. return rec't mail (Additional attachment(s) added on 4/14/2014: # 1 Certified Mail Return Receipt) (njz). (Entered: 04/11/2014)
04/15/2014	121	RETURN RECEIPT as to 120 ROSEBORO NOTICE. SERVICE ACCEPTED on 4/14/2014. (cwm) (Entered: 04/15/2014)
04/21/2014	122	MOTION for Extension of Time to File Response/Reply as to 120 Order by Richard Ashbaugh. (njz) (Entered: 04/21/2014)
04/21/2014	123	Envelope Received. 122 MOTION for Extension of Time to File Response/Reply as to 120 Order, (njz) (Entered: 04/21/2014)
04/22/2014	124	ORDER granting 122 Motion for Extension of Time to File Response/Reply re: 119 Motion to Dismiss as to Richard Ashbaugh (1). Petitioner shall have until May 20, 2014, within which he may file any opposition he may have to the respondents Motion to Dismiss. Signed by Magistrate Judge James E. Seibert on 4/22/14. (njz) copy mailed to pro se pet with motion to dismiss 119 via cert. return rec't mail (Additional attachment(s)

		added on 4/22/2014: # 1 Certified Mail Return Receipt) (njz). Modified on 4/25/2014- added link to Motion to Dismiss 119 (njz). (Entered: 04/22/2014)
04/22/2014	125	ORDER denying without prejudice 110 Motion to Appoint Counsel as to Richard Ashbaugh (1), denying without prejudice 114 Motion to Appoint Counsel as to Richard Ashbaugh (1). Signed by Magistrate Judge James E. Seibert on 4/22/14. (njz) copy mailed to pro se pet. via cert. return rec't mail (Additional attachment(s) added on 4/22/2014: # 1 Certified Mail Return Receipt) (njz). (Entered: 04/22/2014)
04/25/2014		Set/Reset Deadlines re Motion or Report and Recommendation in case as to Richard Ashbaugh 119 MOTION to Dismiss <i>Petition</i> . Responses due by 5/20/2014 (njz) (Entered: 04/25/2014)
04/25/2014	126	RETURN RECEIPT as to 125 Order on Motion to Appoint Counsel, 124 Order on Motion for Extension of Time to File Response/Reply. SERVICE ACCEPTED on 4/24/14. (njz) (Entered: 04/25/2014)
05/07/2014	127	(Styled as Reply) RESPONSE to Motion by Richard Ashbaugh re 119 MOTION to Dismiss <i>Petition</i> . (Attachments: # 1 Exhibit A-opinion-ruling of death, # 2 motion to file successive application)(njz) (Entered: 05/07/2014)
05/07/2014	128	Envelope Received. 127 Response to Motion (njz) (Entered: 05/07/2014)
05/07/2014	129	MOTION for resentencing, MOTION for evidentiary hearing, MOTION to file motion under 2244 for second or successive application to the 4th Circuit by Richard Ashbaugh. (incorporated with Reply to motion to dismiss 127) (Attachments: # 1 Exhibit A-opinion-cause of death, # 2 motion for successive application)(njz) (Entered: 05/07/2014)
05/19/2014	130	LETTER from Richard Ashbaugh to N. Zombek requesting copies of 129 , 113 , 112 , 101 , 100 , and 87 . (Attachments: # 1 letter from 4th Cir) Requested copies mailed to warden.(njz) (Entered: 05/19/2014)
05/19/2014	131	Envelope Received re: 130 Letter (njz) (Entered: 05/19/2014)
05/19/2014	132	LETTER from Clerk to Warden, FCI Cumberland regarding 130 Letter. requested copies mailed to warden. copy of letter mailed to Mr. Ashbaugh (njz) (Entered: 05/19/2014)
07/02/2014	133	USCA ORDER: Movant has filed a motion under 28 U.S.C. § 2244 for an order authorizing the district court to consider a second or successive application for relief under 28 U.S.C. § 2255.The court denies the motion as to Richard Ashbaugh. (cmd) (Entered: 07/03/2014)
07/03/2014	134	ORDER DISMISSING PETITION and DENYING 112 Motion to Vacate (2255), 113 Emergency Motion to Correct Sentence Under 28 U.S.C. 2255, 119 Motion to Dismiss, 129 Motion for Reconsideration as to Richard Ashbaugh. This action is ordered DISMISSED without prejudice and stricken from the docket. Signed by Chief Judge John Preston Bailey on 7/3/2014. Copy sent certified mail, return receipt to pro se Petitioner. (tlg) Civil Case 3:14-cv-00031-JPB-RWT closed. (Additional attachment(s) added on 7/3/2014: # 1 certified mail receipt) (tlg). (Entered: 07/03/2014)
07/10/2014	135	RETURN RECEIPT as to 134 Order. SERVICE ACCEPTED on 7/7/2014. (cmd) (Entered: 07/10/2014)
09/22/2014	136	(Styled as MOTION FOR RELIEF UNDER FED.R.CIV.P. 60(b)(6)) MOTION to Vacate by Richard Ashbaugh. (Attachments: # 1 Exhibit A-opinion, toxicology report)(njz) (Entered: 09/23/2014)
09/22/2014	137	Envelope Received. 136 MOTION to Vacate (njz) (Entered: 09/23/2014)

09/29/2014	138	ORDER DENYING 136 MOTION FOR RELIEF UNDER FED. R. CIV. P. 60(b)(6) as to Richard Ashbaugh (1). Signed by Chief Judge John Preston Bailey on 9/29/14. (njz)copy mailed to pro se pet via cert. return rec't mail (Additional attachment(s) added on 9/30/2014: # 1 Certified Mail Return Receipt) (njz). (Entered: 09/29/2014)
10/02/2014	139	RETURN RECEIPT as to 138 Order on Motion to Vacate. SERVICE ACCEPTED on 10/1/14. (njz) (Entered: 10/02/2014)
05/22/2015		Judge update in case as to Richard Ashbaugh. Chief Judge Gina M. Groh added. District Judge John Preston Bailey no longer assigned to case. (cmd) (Entered: 05/22/2015)
05/22/2015	140	MOTION for Relief Under Fed. R. Civ. P. 60 (b) by Richard Ashbaugh. (Attachments: # 1 Exhibit A - Toxicology Report, # 2 Envelope)(cmd) (Attachment 1 replaced on 5/22/2015) (cmd). Modified on 5/22/2015 to delete double headers. (cmd) (Entered: 05/22/2015)
06/23/2015	141	ORDER DISMISSING 140 MOTION FOR RELIEF UNDER FED. R. CIV. P. 60(b) as to Richard Ashbaugh. Signed by Chief Judge Gina M. Groh on 6/23/15. (njz) copy mailed to pro se pet via cert. return rec't mail (Additional attachment(s) added on 6/24/2015: # 1 Certified Mail Return Receipt) (njz). (Entered: 06/23/2015)
06/29/2015	142	RETURN RECEIPT as to 141 Order on Motion to Vacate. SERVICE ACCEPTED on 6/26/15. (njz) (Entered: 06/29/2015)
02/02/2016	143	ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 USC 3582(c)(2) - USSC Amendment as to Richard Ashbaugh (1). IT IS ORDERED that the motion is DENIED and the defendant's previously imposed sentence of imprisonment of 240 months incarceration shall remain in effect. Signed by Chief Judge Gina M. Groh on 2/2/16. (njz) copy emailed to USPO, FPD, USA, and mailed to dft. via regular mail. (Entered: 02/02/2016)
03/20/2017	144	NOTICE OF ATTORNEY APPEARANCE: Valena Elizabeth Beety appearing for Richard Ashbaugh <i>along with student attorney Lisa Hartline</i> (Attachments: # 1 Affidavit prior counsel declaration concerning written consent of client to representation, # 2 Attachment client consent to representation)(Beety, Valena) (Entered: 03/20/2017)
03/20/2017	145	Consent MOTION to Amend/Correct <i>Sentence</i> by Richard Ashbaugh. (Beety, Valena) Modified on 3/21/2017-nef regen for Judge Bailey (njz). (Entered: 03/20/2017)
03/21/2017	146	PAPERLESS ORDER: This case is hereby TRANSFERRED to the docket of United States District Judge John Preston Bailey for all further proceedings. Signed by Chief Judge Gina M. Groh on March 21, 2017. (km) (Entered: 03/21/2017)
03/21/2017		Judge update in case as to Richard Ashbaugh. District Judge John Preston Bailey added. Chief Judge Gina M. Groh no longer assigned to case. (njz) (Entered: 03/21/2017)
04/18/2017	147	ORDER DENYING 145 UNOPPOSED MOTION FOR AN AMENDED SENTENCE as to Richard Ashbaugh (1). Signed by District Judge John Preston Bailey on 4/18/17. (njz)). order mailed to counsel of record via cert. return rec't mail (Entered: 04/18/2017)
04/26/2017	148	RETURN RECEIPT as to 147 Order. SERVICE ACCEPTED on 4/24/2017. (cmd) (Entered: 04/28/2017)
04/28/2017	149	RETURN RECEIPT as to 147 Order. SERVICE ACCEPTED on 4/24/2017. (cmd) (Entered: 04/28/2017)
05/02/2017	150	NOTICE OF APPEAL by Richard Ashbaugh (Beety, Valena) (Entered: 05/02/2017)

05/02/2017	151	Transmission of Notice of Appeal and Docket Sheet as to Richard Ashbaugh to US Court of Appeals re 150 Notice of Appeal - Final Judgment (njz) (Entered: 05/02/2017)
05/03/2017	152	USCA NOTICE OF APPELLATE CASE OPENING as to Richard Ashbaugh for 150 Notice of Appeal - Final Judgment filed by Richard Ashbaugh. Case Number: 17-6577 Case Manager: RJ Warren 804-916-2702. (njz) (Entered: 05/03/2017)
05/05/2017	153	USCA Records Request as to 150 Notice of Appeal - Final Judgment filed by Richard Ashbaugh (njz) (Entered: 05/05/2017)
05/05/2017	154	Assembled Electronic Record Transmitted to Fourth Circuit re 150 Notice of Appeal - Final Judgment (njz) (Entered: 05/05/2017)
05/19/2017	155	ORDER of USCA as to Richard Ashbaugh re 150 Notice of Appeal - Final Judgment. Upon consideration of the motion to voluntarily dismiss this case pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, the court grants the motion. (cmd) (Entered: 05/19/2017)
05/19/2017	156	MANDATE of USCA as to Richard Ashbaugh re 150 Notice of Appeal - Final Judgment. This court's order dismissing this appeal pursuant to Local Rule 42(b) takes effect today. (cmd) (Entered: 05/19/2017)
07/20/2017	157	MOTION for Reconsideration re 147 Order on Motion to Amend/Correct, by Richard Ashbaugh. (Beety, Valena) (Entered: 07/20/2017)
01/12/2018	158	<i>Defendant's Supplemental Pleading In Support of Unopposed Motion for an Amended Sentence</i> Other Document re 157 MOTION for Reconsideration re 147 Order on Motion to Amend/Correct, , 147 Order on Motion to Amend/Correct, filed by Richard Ashbaugh (Attachments: # 1 Attachment Defendant's Original Unopposed Motion For An Amended Sentence, # 2 Exhibit Exhibit 1: United States v. Holloway, # 3 Exhibit Exhibit 2: Nolle Prosequi in Randy Washington Case, # 4 Exhibit Exhibit 3: Randy Washington Sentencing Transcript, # 5 Exhibit Exhibit 4: Randy Washington Judgement, # 6 Exhibit Exhibit 5: Scott Walker Motion to Vacate or Correct Sentence, # 7 Exhibit Exhibit 6: Scott Walker Transcript of Motion Hearing, # 8 Exhibit Exhibit 7: Scott Walker Order, # 9 Exhibit Exhibit 8: Luis Rivera Motion to Vacate Count Seven, # 10 Exhibit Exhibit 9: Government's Response to Rivera's Motion to Vacate Count Seven, # 11 Exhibit Exhibit 10: Luis Rivera Order, # 12 Exhibit Exhibit 11: Marion Hungerford Joint Motion, # 13 Exhibit Exhibit 12: Marion Hungerford Settlement Agreement, # 14 Exhibit Exhibit 13: Government's Motion to Dismiss Counts in Hungerford Case, # 15 Exhibit Exhibit 14: Order, # 16 Exhibit Exhibit 15: Amended Judgment Form, # 17 Exhibit Exhibit 16: Government's Motion to Reconsider Tom Tate's Judgement, # 18 Exhibit Exhibit 17: Tom Tate's Filing, # 19 Exhibit Exhibit 18: Order, # 20 Exhibit Exhibit 19: Amended Judgement Form, # 21 Exhibit Exhibit 20: Christopher Williams Final Settlement, # 22 Exhibit Exhibit 21: Christopher Williams Transcript of Sentencing, # 23 Exhibit Exhibit 22: Amended Judgement Form, # 24 Exhibit Exhibit 23: Olivar Martinez-Blanco Sentencing Transcript, # 25 Exhibit Exhibit 24: Joint Motion to Reduce Sentence and Dismiss 2255 Motion, # 26 Exhibit Exhibit 25: Order Amending the Judgement, # 27 Exhibit Exhibit 26: Kevin Grant's Brief In Support of his Two Pending Pro Se Motions, # 28 Exhibit Exhibit 27: Order, # 29 Exhibit Exhibit 28: Denise Dellaire Transcript of Sentencing, # 30 Exhibit Exhibit 29: Memorandum of Law in Support of Petitioners Motion for Equitable Relief From Judgement Pursuant to Fed. R. Civ. P. 60(b)(6), # 31 Exhibit Exhibit 30: Transcript of Hearing on Motion, # 32 Exhibit Exhibit 31: New York Times Article)(Beety, Valena) (Entered: 01/12/2018)
01/23/2018	159	ORDER DENYING MOTION FOR RECONSIDERATION OF DENIAL OF UNOPPOSED MOTION FOR AN AMENDED SENTENCE ORDER: it is the opinion of this Court that the 157 Motion for Reconsideration of Denial of Unopposed Motion for an

		Amended Sentence and Defendant's 158 Supplemental Pleading in Support of Unopposed Motion for an Amended Sentence should be, and the same are, DENIED as to Richard Ashbaugh (1). Signed by District Judge John Preston Bailey on 01/23/2018. (cwm) (Entered: 01/23/2018)
01/31/2018	160	NOTICE OF APPEAL by Richard Ashbaugh re 159 Order,, Order on Motion for Reconsideration, Appeal Record due by 2/20/2018. (Beety, Valena) (Entered: 01/31/2018)
01/31/2018	161	Transmission of Notice of Appeal and Docket Sheet as to Richard Ashbaugh to US Court of Appeals re: 160 Notice of Appeal - Final Judgment. (cwm) (Entered: 01/31/2018)
01/31/2018	162	USCA NOTICE OF APPELLATE CASE OPENING as to Richard Ashbaugh for 160 Notice of Appeal - Final Judgment filed by Richard Ashbaugh. Case Number: 18-6105. Case Manager: J. Hargett Moore. (cwm) (Entered: 01/31/2018)
03/07/2018	163	MOTION Seeking Access to Sealed Documents by Richard Ashbaugh. (Beety, Valena) (Entered: 03/07/2018)
03/08/2018	164	NOTICE OF ATTORNEY APPEARANCE: Thomas J. Gillooly appearing for Richard Ashbaugh (Gillooly, Thomas) (Entered: 03/08/2018)
03/23/2018	165	PAPERLESS ORDER as to Richard Ashbaugh: Upon consideration, the MOTION Seeking Access to Sealed Documents 163 is hereby GRANTED; accordingly, the Clerk is directed to provide copies of the requested documents to counsel for the petitioner. Signed by District Judge John Preston Bailey on 3/23/2018. (JP) (Entered: 03/23/2018)
05/23/2018	166	ORDER of USCA granting the motion to relieve counsel from further representation on appeal as to Richard Ashbaugh re: 160 Notice of Appeal - Final Judgment. (cwm) (Entered: 05/23/2018)
09/07/2018	167	Per Curiam of USCA as to Richard Ashbaugh re 160 Notice of Appeal - Final Judgment. USCA Decision: VACATED AND REMANDED WITH INSTRUCTIONS. (tlg) (Entered: 09/07/2018)
09/07/2018	168	JUDGMENT of USCA as to Richard Ashbaugh re 160 Notice of Appeal - Final Judgment. (Attachments: # 1 notice of judgment).(tlg) (Entered: 09/07/2018)
09/24/2018	169	Stay of Mandate Under FED.R.APP.P.41.(d)(1) re: 160 Notice of Appeal - Final Judgment. (cwm) (Entered: 09/24/2018)
11/14/2018	170	ORDER of USCA denying the petition for rehearing en banc as to Richard Ashbaugh re: 160 Notice of Appeal - Final Judgment. (cwm) (Entered: 11/14/2018)
11/26/2018	171	MANDATE of USCA as to Richard Ashbaugh 160 Notice of Appeal - Final Judgment. (tlg) (Entered: 11/26/2018)
11/28/2018	172	ORDER dismissing 157 motion for lack of jurisdiction as to Richard Ashbaugh. Signed by District Judge John Preston Bailey on 11/28/2018. (cwm) (Entered: 11/28/2018)
04/16/2019	173	SUPREME COURT REMARK--petition for writ of certiorari filed 04/10/2019 - 18-1304 as to by Richard Ashbaugh (cwm) (Entered: 04/16/2019)
05/20/2019	174	Supreme Court Remark as to Richard Ashbaugh. (cwm) (Entered: 05/20/2019)
06/15/2022	176	ORDER: re 175 MODIFICATION OF CONDITIONS OR TERM OF SUPERVISION WITH CONSENT OF THE OFFENDER as to Richard Ashbaugh. Signed by District Judge John Preston Bailey on 6/15/2022. (cmd) (Entered: 06/15/2022)
07/22/2022	178	ORDER re: 177 NON-COMPLIANCE SUMMARY as to Richard Ashbaugh (1). Concur with U. S. Probation Officer's Recommendation, no action at this time.

		Signed by District Judge John Preston Bailey on 7/22/2022. (je) (Entered: 07/22/2022)
09/22/2022	180	ORDER: re 179 NON-COMPLIANCE SUMMARY as to Richard Ashbaugh. Signed by District Judge John Preston Bailey on 9/22/2022. (cmd) (Entered: 09/22/2022)
11/04/2022	182	ORDER: re 181 NON-COMPLIANCE SUMMARY as to Richard Ashbaugh. Signed by District Judge John Preston Bailey on 11/4/2022. (cmd) (Entered: 11/04/2022)
05/02/2023		Judge update in case as to Richard Ashbaugh. District Judge Gina M Groh added. District Judge John Preston Bailey no longer assigned to case. (cmd) (Entered: 05/02/2023)
05/04/2023	184	ORDER: re 183 PETITION FOR WARRANT OR SUMMONS FOR OFFENDER UNDER SUPERVISION as to Richard Ashbaugh. Signed by District Judge Gina M Groh on 5/4/2023. Copy to USP,USM. (cmd) (Entered: 05/04/2023)
05/10/2023	186	MOTION for Detention by USA as to Richard Ashbaugh. (Attachments: # 1 Proposed Order)(Omps-Botteicher, Lara) (Entered: 05/10/2023)
05/10/2023	187	PAPERLESS ORDER as to Richard Ashbaugh. An initial appearance was held on this date. Defendant was REMANDED to the custody of the U.S. Marshals Service. Preliminary Revocation and Detention Hearings are set for MONDAY, 5/15/2023 at 03:30 PM in Martinsburg Magistrate Judge Courtroom, 1st Floor before Magistrate Judge Robert W. Trumble. Signed by Magistrate Judge Robert W. Trumble on 5-10-2023. (dh) (Entered: 05/10/2023)
05/10/2023	188	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge Robert W. Trumble as to Richard Ashbaugh. Initial Appearance re Revocation of supervised release as to Richard Ashbaugh held on 5/10/2023. Detention and Preliminary Revocation Hearings set for 5/15/2023 03:30 PM in Martinsburg Magistrate Judge Courtroom, 1st Floor before Magistrate Judge Robert W. Trumble. (Court Reporter - FTR.) (tlg) (Entered: 05/10/2023)
05/10/2023	189	** SEALED ** CJA 23 Financial Affidavit by Richard Ashbaugh (1). Copy to FPDO. (tlg) (Entered: 05/10/2023)
05/10/2023	190	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Richard Ashbaugh (1).Signed by Magistrate Judge Robert W. Trumble on 05/10/2023. (cwm) Copy to USMS and USPO. (Entered: 05/10/2023)
05/11/2023	191	APPOINTMENT ORDER as to Richard Ashbaugh (1). Signed by Magistrate Judge Robert W. Trumble on 05/11/2023. (cwm) Copy to defendant, USMS, USPO and FPD. (Entered: 05/11/2023)
05/11/2023	192	MOTION for Leave to Appear Pro Hac Vice Attorney: Daniel L. Salem. by USA as to Richard Ashbaugh, Claire Dunleavy. (Attachments: # 1 Proposed Order)(Omps-Botteicher, Lara) (Entered: 05/11/2023)
05/12/2023	194	ORDER APPROVING DEPARTMENT OF JUSTICE ATTORNEY'S APPLICATION TO APPEAR PRO HAC VICE as to Richard Ashbaugh (1) and Claire Dunleavy (2). Signed by Magistrate Judge Robert W. Trumble on 05/12/2023. (cwm) (Entered: 05/12/2023)
05/15/2023	195	MINUTE ENTRY:

		<p>***NOTICE*** <u>THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u></p> <p>Proceedings held before Magistrate Judge Robert W. Trumble as to Richard Ashbaugh. Preliminary Revocation and Detention Hearings as to Richard Ashbaugh held on 5/15/2023. Final Hearing re Revocation of Supervised Release set for 6/12/2023 01:30 PM in Martinsburg District Judge Courtroom, 2nd Floor before District Judge Gina M. Groh. (Court Reporter - FTR.) (tlg) (Entered: 05/15/2023)</p>
05/15/2023	196	WAIVER of Preliminary Hearing as to Richard Ashbaugh (1). (tlg) (Entered: 05/15/2023)
05/15/2023	197	WAIVER of Detention Hearing by Richard Ashbaugh (1). (tlg) (Entered: 05/15/2023)
05/16/2023	198	<p>ORDER FINDING PROBABLE CAUSE TO HOLD A FINAL REVOCATION HEARING BEFORE THE DISTRICT JUDGE AND DETAINING DEFENDANT UNTIL THE FINAL HEARING as to Richard Ashbaugh (1). Signed by Magistrate Judge Robert W. Trumble on 05/16/2023. (cwm) Copy to USMS and USPO. (Entered: 05/16/2023)</p>
06/12/2023	199	<p>MINUTE ENTRY:</p> <p>***NOTICE*** <u>THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u></p> <p>Proceedings held before District Judge Gina M Groh: Final Hearing re Revocation of Supervised Release as to Richard Ashbaugh (1) held on 6/12/2023. Final Hearing re Revocation of Supervised Release set for 10/12/2023 01:30 PM in Martinsburg District Judge Courtroom, 2nd Floor before District Judge Gina M Groh. (Court Reporter K. Slayden) (je) (Entered: 06/12/2023)</p>
06/12/2023	201	<p>ORDER CONTINUING FINAL REVOCATION HEARING as to Richard Ashbaugh. Signed by District Judge Gina M Groh on 6/12/2023. Copy to USP,USM. (cmd) (Entered: 06/12/2023)</p>
07/28/2023	202	<p>PAPERLESS ORDER as to Richard Ashbaugh: TIME CHANGE ONLY- The Final Hearing re Revocation of Supervised Release RESCHEDULED for 10/12/2023 at 10:30 AM in Martinsburg District Judge Courtroom, 2nd Floor before District Judge Gina M Groh. Signed by District Judge Gina M Groh on 7/28/2023. (jlo) (Entered: 07/28/2023)</p>
10/09/2023	203	NOTICE as to Final Revocation Hearing by USA as to Richard Ashbaugh (Crockett (USA ACCOUNT), Kimberley) (Entered: 10/09/2023)
10/12/2023	204	ORAL JOINT MOTION for a Six (6) Month Improvement Period by Richard Ashbaugh (1). (cwm) (Entered: 10/12/2023)
10/12/2023	205	<p>MINUTE ENTRY:</p> <p>***NOTICE*** <u>THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u></p> <p>Proceedings held before District Judge Gina M Groh: Final Hearing re: Revocation of Supervised Release as to Richard Ashbaugh held on 10/12/2023. Final Hearing re: Revocation of Supervised Release set for 4/18/2024 01:30 PM in Martinsburg District Judge Courtroom, 2nd Floor before District Judge Gina M Groh. (Court Reporter: K. Slayden) (cwm) (Entered: 10/12/2023)</p>

10/12/2023	206	ORDER CONTINUING FINAL REVOCATION HEARING as to Richard Ashbaugh (1). Signed by District Judge Gina M. Groh on 10/12/2023. (cwm) Copy to USPO and USMS. (Entered: 10/12/2023)
12/11/2023	208	ORDER: re 207 AMENDED PETITION FOR WARRANT OR SUMMONS FOR OFFENDER UNDER SUPERVISION as to Richard Ashbaugh. Signed by District Judge Gina M Groh on 12/11/2023. Copy to USM,USP. (cmd) (Entered: 12/11/2023)
12/13/2023	210	MOTION for Detention by USA as to Richard Ashbaugh. (Attachments: # 1 Proposed Order)(Salem, Daniel) (Entered: 12/13/2023)
12/13/2023	211	PAPERLESS ORDER as to Richard Ashbaugh. Initial Appearance on Revocation Proceedings is set for TODAY, WEDNESDAY, 12/13/2023, at 04:15 PM in Martinsburg Magistrate Judge Courtroom, 1st Floor before Magistrate Judge Robert W. Trumble. Signed by Magistrate Judge Robert W. Trumble on 12-13-2023. (dh) (Entered: 12/13/2023)
12/13/2023	212	PAPERLESS ORDER as to Richard Ashbaugh. An initial appearance was held on this date. Defendant was REMANDED to the custody of the U.S. Marshals Service. Detention and Preliminary Revocation Hearings are set for Thursday, 12/14/2023, at 11:30 AM in Martinsburg Magistrate Judge Courtroom, 1st Floor before Magistrate Judge Robert W. Trumble. Signed by Magistrate Judge Robert W. Trumble on 12-13-2023. (dh) (Entered: 12/13/2023)
12/13/2023	213	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge Robert W. Trumble as to Richard Ashbaugh. Initial Appearance as to Richard Ashbaugh held on 12/13/2023. Detention Hearing and Preliminary Revocation Hearing set for 12/14/2023 11:30 AM in Martinsburg Magistrate Judge Courtroom, 1st Floor before Magistrate Judge Robert W. Trumble. (Court Reporter - FTR.) (tlg) (Entered: 12/13/2023)
12/14/2023	214	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT as to Richard Ashbaugh (1). Signed by Magistrate Judge Robert W. Trumble on 12/14/2023. Copy to USM. (cmd) (Entered: 12/14/2023)
12/14/2023	215	MINUTE ENTRY: <u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u> Proceedings held before Magistrate Judge Robert W. Trumble as to Richard Ashbaugh (1). Preliminary Revocation Hearing and Detention Hearing as to Richard Ashbaugh held on 12/14/2023. Final Hearing re Revocation of Supervised Release set for 1/18/2024 01:30 PM in Martinsburg District Judge Courtroom, 2nd Floor before District Judge Gina M. Groh. (Court Reporter - FTR.) (tlg) (Entered: 12/14/2023)
12/14/2023	216	WAIVER of Preliminary Hearing as to Richard Ashbaugh (1). (tlg) (Entered: 12/14/2023)
12/15/2023	217	ORDER FINDING PROBABLE CAUSE TO HOLD A FINAL REVOCATION HEARING BEFORE THE DISTRICT JUDGE AND DETAINING DEFENDANT UNTIL THE FINAL HEARING as to Richard Ashbaugh (1). = Signed by Magistrate Judge Robert W. Trumble on 12/14/2023. Copy to USP, USM. (cmd) (Entered: 12/15/2023)

01/16/2024	219	NOTICE <i>AS TO FINAL REVOCATION HEARING</i> by USA as to Richard Ashbaugh (Crockett (USA ACCOUNT), Kimberley) (Entered: 01/16/2024)
01/18/2024	220	<p>MINUTE ENTRY:</p> <p><u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u></p> <p>Proceedings held before District Judge Gina M Groh: Final Hearing re: Revocation of Supervised Release as to Richard Ashbaugh held on 1/18/2024. Final Hearing re: Revocation of Supervised Release set for 1/16/2025 01:30 PM in Martinsburg District Judge Courtroom, 2nd Floor before District Judge Gina M Groh. (Court Reporter: K. Slayden) (cwm) (Entered: 01/18/2024)</p>
01/19/2024	222	ORDER CONTINUING FINAL REVOCATION HEARING as to Richard Ashbaugh. Signed by District Judge Gina M Groh on 1/19/2024. Copy to USM, USP. (cmd) (Entered: 01/19/2024)
01/24/2024	223	USMS Return executed on 01/22/2024 re: 222 ORDER CONTINUING FINAL REVOCATION HEARING as to Richard Ashbaugh (1). (cwm) (Entered: 01/24/2024)
01/13/2025	224	NOTICE <i>as to Final Revocation Hearing</i> by USA as to Richard Ashbaugh (Crockett (USA ACCOUNT), Kimberley) (Entered: 01/13/2025)
01/13/2025	225	MOTION to appear by videoconference for final revocation hearing by Richard Ashbaugh. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Proposed Order)(Moss, Aaron) (Entered: 01/13/2025)
01/14/2025	226	NOTICE OF ATTORNEY APPEARANCE Kimberley D. Crockett (USA ACCOUNT) appearing for USA. (Crockett (USA ACCOUNT), Kimberley) (Entered: 01/14/2025)
01/14/2025	227	ORDER GRANTING 225 DEFENDANT'S MOTION TO APPEAR BY VIDEOCONFERENCE FOR FINAL REVOCATION HEARING as to Richard Ashbaugh (1). Signed by District Judge Gina M Groh on 1/14/2025. (cmd) (Entered: 01/14/2025)
01/16/2025	228	<p>MINUTE ENTRY:</p> <p><u>***NOTICE*** THE ATTACHED DOCUMENT IS NOT ACCESSIBLE. IT IS FOR STATISTICAL PURPOSES ONLY.</u></p> <p>Proceedings held before District Judge Gina M Groh: Final Hearing re Revocation of Supervised Release as to Richard Ashbaugh (1) held on 1/16/2025. (Court Reporter: K. Slayden) (cwm) (Entered: 01/16/2025)</p>
01/21/2025	229	JUDGMENT FOR REVOCATION of SUPERVISED RELEASE as to Richard Ashbaugh (1). Signed by District Judge Gina M Groh on 1/21/2025. (cmd) (Entered: 01/21/2025)

**United States District Court
for the
Northern District of West Virginia**

USA v. Ashbaugh
3:25-mj-00025

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Richard Ashbaugh
Reg No.: 05224-087

Case Number: 3:05CR60-1

Name of Sentencing Judicial Officer: Honorable W. Craig Broadwater, United States District Judge
Name of Revocation Judicial Officer: Honorable Gina M. Groh, United States District Judge

Date of Original Sentence: March 20, 2006
Date of Revocation: January 16, 2025

Original Offense: Aid and Abet Distribution of Heroin Resulting in Death

Original Sentence: 240 months incarceration, followed by four years supervised release
Revocation Sentence: Time served, followed by 30 months supervised release

Type of Supervision: Supervised release Date Supervision Commenced: January 16, 2025

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons
☐ No action

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Non-Compliance</u>
1	<u>Standard Condition No. 15:</u> You shall not purchase, possess or consume any organic or synthetic intoxicants, including bath salts, synthetic cannabinoids, or other designer stimulants.
2	<u>Standard Condition No. 19:</u> You must follow the instructions of the probation officer related to the conditions of supervision.
3	<u>Special Condition No. 1:</u> You must participate in an outpatient substance abuse treatment program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

On April 7, 2025, the undersigned officer received a phone call from the program Director at Recovery Point of Huntington, Brandon Scarberry. Mr. Scarberry reported that on April 3, 2025, staff members at the treatment facility observed the defendant to be in a state of intoxication. Recovery Point of Huntington staff investigated this matter, and the defendant ultimately admitted to using K-2, a designer synthetic cannabinoid.

Mr. Scarberry reported that K-2 use is a major issue in the treatment program, likely due to its undetectability through standard drug testing. Due to the defendant's noncompliant behavior, just over two weeks after transitioning to phase two of the program, he had been unsuccessfully terminated from the treatment program. Copies of the defendant's discharge letter and signed drug use admission form from Recovery Point of Huntington are attached for the Court's review.

Additional Information:

On January 18, 2024, the defendant appeared for a final revocation hearing before the Honorable Gina M. Groh, United States District Judge. The defendant's original term of supervised release was revoked, and the sentencing portion of the hearing was continued for one year to allow the defendant to enroll in and complete the long-term inpatient substance abuse program at Recovery Point of Huntington. On January 22, 2024, the defendant was released from incarceration and transported directly to the treatment facility.

On January 16, 2025, the defendant appeared via video from the Recovery Point of Huntington treatment facility for sentencing on the final revocation hearing before the Honorable Gina M. Groh, United States District Judge. The defendant received a time served sentence, followed by 30 months of supervised release. The defendant was directed by the probation officer to continue in and complete the Recovery Point of Huntington treatment program and follow all aftercare recommendations of the program.

On March 17, 2025, the defendant transitioned into phase two of the treatment program and moved into the program's sober living residence. Phase two of the program allowed the defendant to gain outside employment and begin to reintegrate into society. Unfortunately, the defendant exploited this newfound freedom to obtain and use synthetic drugs.

U. S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked*

*The probation officer's request for a warrant is a recommendation the offender be detained pending a dispositional hearing.

☐ Extended for Number year(s), for a total term of Number year(s).

☐ The conditions of supervision should be modified as follows:

Prob12C

-3-

Petition for Warrant or Summons
for Offender Under Supervision



Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ryan J. Weese".

By: _____

Ryan J. Weese
U. S. Probation Officer
Date: April 8, 2025

THE COURT ORDERS

- ☒ The Issuance of a Warrant
- ☒ Upon arrest detained and the petition in this matter be unsealed
- ☐ Upon arrest released on (type) bond and the petition in this matter be unsealed
- ☐ The Issuance of a Summons
- ☐ Other
- ☐ No Action. A warrant has previously been requested pursuant to the original petition.

A handwritten signature in blue ink, appearing to read "Yma M. Shoh".

Signature of Judicial Officer

April 9, 2025
Date



Resident Richard Ashbaugh admitted to using K-2 on 4/3/25.

On 4/3/25, Mr. Ashbaugh was observed by his transportation to and from work that he was under the influence. This occurred on his way home from work. Later that same day Mr. Ashbaugh was seen by 2 separate staff members at our phase 2 sober living facility in a state of intoxication. At this point Mr. Ashbaugh's Transportation to work had refused to transport him any longer. When Mr. Ashbaugh was questioned about these events, he admitted to smoking K-2 that was in a cigarette. Mr. Ashbaugh stated that he did not know the cigarette had K-2 in it but acknowledged that he was inebriated at these times. Mr. Ashbaugh signed a drug use admittance form on 4/7/25. K-2 is a synthetic substance that is nearly impossible to screen for in a urinalysis. Drug use of this type has been an ongoing problem due to the difficulty in detecting it. We believe Mr. Ashbaugh's statements are dishonest and we are going to discharge him from our program.

Richard Ashbaugh was last urine drug screened on 2/12/25 and passed.

A handwritten signature in black ink, appearing to read "Andrew Messinger".

Andrew Messinger,

Phase II Coordinator

Recovery Point of Huntington

304-523-4673



Drug use admittance form

I, Richard Ashbaugh hereby admit willingly that I
have used some type of substance(s) that violates our permitted
medication policy and/or will cause me to fail a urinalysis. The
substance(s) I have used are listed below.

K-2

The last time I used the above listed substance(s) was 4/3/25.

By signing this form, I am agreeing that the information I filled in
above is accurate, true and will result in a failed urinalysis.

Client signature: Richard Ashbaugh Date: 4/7/25

Staff Signature: RW Mfg Date: 4/7/25

VIOLATION WORKSHEET

1. Defendant: Richard Ashbaugh
2. Docket Number (Year-Sequence-Defendant No.): 3:05CR60-1
3. District/Office: Northern District of West Virginia/Martinsburg
4. Original Sentence Date: March 20, 2006

(If different than above)

5. Original District/Office (if different than above):
6. Original Docket Number (Year-Sequence-Defendant No.):
7. List each violation and determine the applicable grade (see § 7B1.1):

<u>Violation(s)</u>	<u>Grade</u>
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<u>1 - 3</u>	On April 7, 2025, the defendant admitted to using K-2, a designer synthetic cannabinoid, and was unsuccessfully discharged from the Recovery Point of Huntington treatment program.	<u>C</u>
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8.	Most Serious Grade of Violation (see § 7B1.1(b)):	C
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9.	Criminal History Category (see § 7B1.4(b)):	VI
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10.	Range of Imprisonment (see § 7B1.4(a)):	8 – 14 months
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11. Sentencing Options for Grade B and C Violations Only (check the appropriate box):

(a) If the minimum term of imprisonment determined under § 7B1.4 (Term of Imprisonment) is at least one month but not more than six months, § 7B1.3(c)(1) provides sentencing options to imprisonment.

X (b) If the minimum term of imprisonment determined under § 7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, § 7B1.3(c)(2) provides sentencing options to imprisonment.

(c) If the minimum term of imprisonment determined under § 7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

12. Unsatisfied Conditions of Original Sentence:

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed, in connection with the sentence for which revocation is ordered, that remains unpaid or not served at the time of revocation (see § 7B1.3[d]):

Defendant: Richard Ashbaugh

Restitution(\$):

Community
Confinement:

Fine(\$):

Home Detention:

Other:

Intermittent
Confinement:

13. Supervised Release:

If Probation is to be revoked, determine the length, if any, of the term of Supervised Release according to the provisions of §§ 5D1.1-1.3 (see §§ 7B1.3(g)(1)).

Term: N/A

If Supervised Release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence Supervised Release upon release from imprisonment (see 18 U.S.C. § 3583(e) and § 7B1.3(g)(2)).

Pursuant to 18 U.S.C. § 3624(e), multiple terms of Supervised Release are to run concurrently.

Period of Supervised Release to be served following release from imprisonment:

57 months (less any term of imprisonment imposed at revocation).

14. Departure:

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

None.

NOTE: The maximum term of imprisonment imposable upon revocation of Supervised Release for a Class A Felony is five (5) years, pursuant to 18 U.S.C. § 3583(e)(3).